



Docket No. ETH1685CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Arindam Datta et al. Confirmation No.: 8257

Serial No. : 10/602,338 Art Unit: 3738

Filed : June 24, 2003 Examiner:

For : Biodegradable Stent

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

April 12, 2005

(Date of Deposit)

William K. Wissing  
(Name of applicant, assignee, or Registered Representative)

William K. Wissing

(Signature)

April 12, 2005

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on June 24, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)  
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)  
(attached); or
- Please charge Deposit Account No. 10-  
0750/ / the fee of \$180.00 as set forth  
in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a) (2) (i)).
- There are no listed references which are not in the English language.
- The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed June 24, 2003.

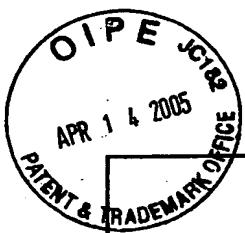
Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH1685CIP/WKW. This form is submitted in triplicate.

Respectfully submitted,

/William K. Wissing/  
William K. Wissing  
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Attorney for Applicants

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DATED: April 12, 2005



SUBMISSION UNDER MPEP 609 D

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Confirmation Number	8257
Application Number	10/602,338
Filing Date	06/24/2003
First Named Inventor	Arindam Datta
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	ETH1685CIP

## **U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Approved for use through 10/31/2007. GPO 2001-090.

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~~Substitute for form 1449A/PTO~~

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Confirmation Number	8257
Application Number	10/602,338
Filing Date	06/24/2003
First Named Inventor	Arindam Datta
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	ETH1685CIP

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		5,059,211	A	Stack et al.	10-22-1991	
		5,160,341	A	Brenneman et al.	11-03-1992	
		5,185,408	A	Tang et al.	02-09-1993	
		5,443,458	A	Eury	08-22-1995	
		5,500,013	A	Buscemi et al.	03-19-1996	
		5,609,629	A	Fearnot et al.	03-11-1997	
		5,629,077	A	Turnlund et al.	05-13-1997	
		5,735,897	A	Buirge	04-07-1998	
		5,766,710	A	Turnlund et al.	06-16-1998	
		5,769,883	A	Buscemi et al.	06-23-1998	
		5,824,049	A	Ragheb et al.	10-20-1998	
		5,873,904	A	Ragheb et al.	02-23-1999	
		5,957,975	A	Lafont et al.	09-28-1999	
		5,961,547	A	Razavi	10-05-1999	
		5,963,007	A	Toyozawa et al.	10-05-1999	
		5,968,092	A	Buscemi et al.	10-19-1999	
		6,001,117	A	Huxel et al.	12-14-1999	
		6,096,070	A	Ragheb et al.	08-01-2000	
		6,117,168	A	Yang et al.	09-12-2000	
		6,120,847	A	Yang et al.	09-19-2000	
		6,153,252	A	Hossainy et al.	11-28-2000	
		6,156,373	A	Zhong et al.	12-05-2000	
		6,251,136	B1	Guruwaiya et al.	06-26-2001	
		6,258,121	B1	Yang et al.	07-10-2001	
		6,267,776	B1	O'Connell	07-31-2001	
		6,319,264	B1	Tormala et al.	11-20-2001	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>			
		EP	0 420 541	A	Bristol-Myers Squibb Company	04/03/1991	
		EP	0 604 022	A1	Advanced Cardiovascular Systems, Inc.	06-29-1994	
		EP	0 923 912	A	Schneider USA Inc.	06-23-1999	
		EP	1 110 561	A2	Ethicon, Inc.	06-27-2001	
		EP	1 112 724	A2	Ethicon, Inc.	07-04-2001	
		WO	97/41916	A1	Emed Corporation	11-13-1997	
		WO	98/56312	A1	Scimed Life Systems, Inc.	12-17-1998	
		WO	99/34750	A1	Bioamide, Inc.	07-15-1999	

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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